Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women (CEDAW)

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fourth periodic report of States parties

Addendum

United Kingdom of Great Britain and Northern Ireland*

(The Isle of Man)

* For the initial report submitted by the Government of the United Kingdom, see CEDAW/C/5/Add.52 and Amend.1–4; for its consideration by the Committee, see CEDAW/C/SR.155, CEDAW/C/SR.156, CEDAW/C/SR.159 and CEDAW/C/SR.160, and *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38* (A/45/38), paras. 167–213. For the second periodic report submitted by the Government of the United Kingdom, see CEDAW/C/UK/2 and Amend.1; for its consideration by the Committee, see CEDAW/C/SR.223 and *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38* (A/48/38), paras. 523–589. For the third periodic report submitted by the Government of the United Kingdom, see CEDAW/C/UK/3 and Add.1 and Add.2.

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GENERAL BACKGROUND

1. A general political, legal, social and economic description of the Isle of Man is set out in Appendix XII to the Core Document of the Overseas Territories and Crown Dependencies of the United Kingdom (HRI/CORE/1/Add.62 of January 1996) as supplemented by Part One of the Initial Report for the Isle of Man (CEDAW/C/5/Add.52/Amend.3).

2. This Report contains information on developments since the Initial Report.

Population

3. The population of the Island has continued to rise. The resident population at the last (interim) census of April 1996 was 71,714, comprising 34,797 males and 36,917 females. The number of women and the proportion of women in employment has also risen. See paragraph 15 below for a Table of the economically active population.

Economy

4. Financial services and manufacturing continue to be the most important sectors of the economy. Ship management and telecommunications have expanded over recent years.

Government and Law

5. Joint sessions of Legislative Council and the House of Keys which constitute Tynwald - the Legislature - are now presided over by the President of Tynwald, an elective office, in place of the Lieutenant Governor. The former Executive Council is now entitled the Council of Ministers. The office of an additional professional magistrate, the Deputy High Bailiff, has been established. The limit for claims under the small claims arbitration system has been raised from £1,000 to £2,000.

Legal and other Measures

6. Proposed legislation regarding discrimination in employment is noted in paragraphs 8 and 19 below and recent legislation regarding the termination of pregnancies in paragraph 22 below.

SPECIFIC ARTICLES

Article 3 - Human Rights and Fundamental Freedoms

7. It is proposed to introduce a Human Rights Bill into the Legislature early in 1999. The Bill is designed to give effect in domestic law to the European Convention on Human Rights in similar terms to the Human Rights Act 1998 of the Westminster Parliament.

Article 4 - Temporary Measures

8. An Employment (Sex Discrimination) Bill has been drafted and is intended to be introduced shortly into the Legislature. There is provision in the draft Bill which would permit single sex training to help support women in the labour market. This is designed to remedy any imbalance in the training opportunities available to women and to provide preferential training for women who have had a career break while raising children when they seek to return to employment.

Article 6 - Sexual Exploitation of Women

9. Legislation for the protection of women - the Sexual Offences Act 1967- was described in the Initial Report. There were 46 recorded sexual offences against women and children in 1998 as follows:

Rape: 11
Indecent assault on a female: 28
Unlawful sexual intercourse with a girl under 16 years: 5
Indecency with children: 2.

Article 7 - Public Appointments

10. Presently, two out of the 24 members of the House of Keys are women and one of the ten members of the Legislative Council. There are a number of women amongst the elected local authorities in the Island.

11. It is the declared policy of the Isle of Man Government that the best available candidate should be appointed to fill each vacant post in the Public Service by ensuring that recruitment and selection procedures operate fairly and without discrimination of any kind. Men and women have equal opportunity for employment and advancement on the basis of their ability, qualifications and fitness for work. Equal pay for men and women has

been a feature of appointments in the Public Service for may years along with training and development opportunities. 52 per cent of Civil Service employees are women. Annex A contains a Table of Civil Service employees by sex and payspan.

Article 10 - Education

12. In 1998, there were approximately 11,157 children attending primary and secondary schools in the Isle of Man.

Primary Schools:	35
Pupils at Primary Schools	6,364 (3,271 boys and 3,093 girls)
Secondary Schools	5
Pupils at Secondary Schools	4,793 (no breakdown between sexes available)

A further 9430 students (no breakdown between sexes available) attended courses at the Isle of Man College of Further Education. There is also one (fee charging) independent school open to boys and girls.

13. 1,190 students (575 male and 615 female) receive education grants from the Island's Department of Education, 943 of them (470 male and 473 female) in respect of degree courses at universities in the United Kingdom.

14. For a trial period, science is being taught as a single sex subject at St. Ninian's High School. This is a subject in which boys have traditionally performed better than girls, and the purpose of the trial is to see if girls do better if they do not feel they are in competition with boys.

Article 11 - Employment

Employment

15. The following Table sets out the economically active population by sex and occupation as in 1996:

	Sex		
Occupations	Males	Females	Total
1 - Professional	1218	258	1476
2 - Managerial &	5692	4206	9898

Technical			
3 - Skilled, Non-Manual	2560	6574	9134
4 - Skilled, Manual	5950	1058	7008
5 - Partly Skilled	2720	2041	4761
6 - Unskilled	1048	1053	2101
7 -Other	89	10	99
8 - No previous Occupation	200	89	289
10 -Unknown	31	14	45
Total	19508	15303	34811

16. The current unemployment rate is approximately 1.1 per cent of the work force.

Legislation

17. The Initial Report noted the enactment of the Employment Act 1991 which gave effect to recommendations in the Collinson Grant Report and consolidated employment legislation. The Act provided protection against discrimination in the workplace on the grounds of sex and marital status. Section 51 of the Act provides:

> "(1) Where an employer dismisses an employee-
>
> (a) in circumstances in which the employee is treated less favourably than he would have been treated if he had been of the opposite sex, or
>
> (b) because the employee does not meet or has not attained a standard which applies equally to employees of the opposite sex but-
>
> (i) which is such that the proportion of persons of the employee's sex who can meet or attain it is considerably smaller than the proportion of persons of the opposites sex who can do so, and

(ii) which the employer cannot show to be justifiable irrespective of the sex of the person to whom it is applied; and

(iii) which is to the employee's detriment because he cannot meet or attain it,

the dismissal shall be regarded as unfair..... "

"(2) Where an employer dismisses a married employee-

(a) in circumstances in which the employee is treated less favourably than he would have been treated if he had been unmarried, or

(b) because the employee does not meet or has not attained a standard which applies equally to unmarried persons but,

(i) which is such that the proportion of married persons who can meet or attain it is considerably smaller than the proportion of unmarried persons who can do so, and

(ii) which the employer cannot show to be justifiable irrespective of the marital status of the person to whom it is applied, and

(iii) which it is to the employee's detriment because he cannot meet or attain it,

the dismissal shall be regarded as unfair....".

(It should be borne in mind that, according to legislative practice and law, words in the masculine gender normally include the feminine.) A person who is unfairly dismissed may apply to the Employment Tribunal for compensation.

18. The 1991 Act also extended the period of maternity leave, after which a woman could return to work, from seven to 12 weeks and extended the protection against unfair dismissal to situations where dismissal follows an absence from work on account of maternity.

19. An Employment (Sex Discrimination) Bill has now been drafted to extend the protections granted by the 1991 Act. The Bill is expected to be introduced into the Legislature early in 1999. It is based on Equal Pay Act 1970 and the employment provisions of the Sex Discrimination Act 1975 (both of the United Kingdom Parliament) and is intended to provide remedies against discrimination on grounds of sex or marital status in relation to advertisements and offers of employment, terms and conditions of employment (including pay), and termination of employment.

Training

20. Men and women have equal rights to participate in all training schemes and programmes which have the support of the Training Division of the Department of Trade and Industry. The percentages of women on current training schemes are as follows:

Animation	22%
Catering	23%

Chefs	26%
Construction	2%
Engineering	9%
Hairdressing	86%
Hospitality management	50%
Office technology	65%
Travel & Tourism	70%
Small Business Start-up Scheme	32%.

Article 12 - Health Services

Health Services

21. The Initial Report noted the provision of health services through the National Health Service and a number of specific services for women. Such services continue to be available: family planning services are now free for all and the perinatal mortality rate has reduced to 6.6/1000; (the average for the years 1994 to 1997 inclusive). There has been an increase of spending on discouraging smoking but without a significant reduction in the numbers of those who smoke.

Legislation

22. The Termination of Pregnancy (Medical Defences) Act 1995 came into force in January 1996. It provides a statutory defence to a doctor who carries out a termination of a pregnancy in order to preserve the life of a woman, or where, because of physical or mental abnormalities, the child is unlikely to survive birth or will be seriously handicapped, or where the pregnant woman has been the victim of rape, incest or indecent assault. This Act is a significant development since, apart from its provisions, abortion is illegal in the Island.

Article 16 - Marriage and Family Relations

23. The law of the Isle of Man does not discriminate against women in matters relating to marriage and the family.

24. The Initial Report noted the Marriage Act 1984 and the Domestic Violence and Matrimonial Proceedings Act 1978. The Family Law Act 1991 made various provisions respecting parental responsibility. Under that Act, both the father and mother of a child of a marriage, and both an adoptive father and an adoptive mother, have the same parental responsibility for a minor child. Both father and mother may appoint a guardian

of the child in the event of death. Although the mother of a child other than a child of a marriage or an adopted child has, by law, sole parental responsibility, the father may also acquire it by agreement with the mother or by order of the Court. Either parent may be required to make financial provision for the benefit of their children.

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